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DECISION ON PETITION TO
WITHDRAW HOLDING OF
ABANDONMENT

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In re Application of
Mats Cedervall, et al.
Application No. 09/815,337
Filed: March 23, 2001
For: **METHOD AND SYSTEM FOR LOCATING
MOBILE STATIONS IN A MOBILE
COMMUNICATION NETWORK**

This is a decision on the Petition to Withdraw the Holding of Abandonment, pursuant to 37 C.F.R. § 1.181(a), filed August 5, 2004 and supplemented on August 12, 2004. No fee is required.

This application became abandoned for failure to timely respond to the Non-Final Office Action mailed December 12, 2003. A Notice of Abandonment has not been mailed.

Petitioner alleges that the non-final Office Action mailed December 12, 2003 was not received. In support thereof, Petitioner provides a statement regarding search of the file and docket records as well as provides a copy of said docket records where the non-final Office action would have been logged had it been received.

Based on M.P.E.P. § 711.03(c) [*See also Notice entitled Withdrawing the Holding of Abandonment When Office Actions Are Not received, 1156 O.G. 53 (November 16, 1993)*], in absence of any irregularity in the mailing of an Office Action, there is a strong presumption that the Office action was properly mailed to practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. The showing required to establish the failure to receive an Office communication must include:

- (a) a statement from the practitioner stating that the Office communication was not received by the practitioner;
- (b) a statement attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received; and,
- (c) a copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

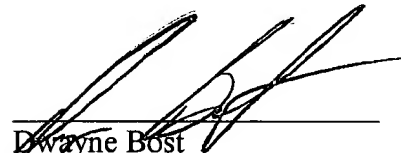
The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office communication may have been lost after receipt rather than a conclusion that the Office communication was lost in the mail.

A review of the records reveals that a petition to withdraw as power of attorney was errantly matched with the application and granted. This decision errantly changed the correspondence address for the subject application and hence, as pointed out by petitioner, the December 12,

2003 Office action was mailed to the incorrect address. Thus, there was an irregularity in mailing of the Non-Final Office Action on the part of the U.S. Patent and Trademark Office.

Accordingly, the petition is **GRANTED**. The holding of abandonment is withdrawn.

The application file will be forwarded to the Technology Center's technical support staff for correction of the correspondence address to that listed above, re-mailing of the non-final Office action and restarting the time period for response.



Dwayne Bost
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Technology Center 2600
Communications